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11 Attorneys for Defendant/Counterclaimant
12 Storix, Inc., a California corporation

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

25 ANTHONY JOHNSON, an individual,
26 Plaintiff,
27 v.
28 STORIX, INC., a California corporation,
29 Defendant.

30 STORIX, INC., a California corporation,
31 Counterclaimant,
32 v.
33 ANTHONY JOHNSON, an individual,
34 Counterdefendant.

35 Case No. 14-cv-1873 H (BLM)

36 DECLARATION OF BARBARA
37 ANN FREDERIKSEN-CROSS IN
38 SUPPORT OF STORIX, INC.'S
39 OPPOSITION TO PLAINTIFF'S
40 MOTION FOR SUMMARY
41 JUDGMENT

42 Courtroom: 15A (15th Floor -
43 Carter/Keep)
44 Judge: Hon. Marilyn L. Huff
45 Magistrate: Hon. Barbara L. Major
46 Complaint Filed: August 8, 2014
47 Trial Date: December 8, 2015

48 Hearing Date: October 30, 2015
49 Hearing Time: 10:30 A.M.

50 I, Barbara Ann Frederiksen-Cross, declare:

51 1. I have personal knowledge of the facts set forth in this Declaration and
52 if called to testify, I could and would testify competently to such facts under oath.

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1 2. I am the Senior Managing Consultant of Johnson-Laird, Inc. I have
2 experience in the design, development, and analysis of computer software. My
3 experience includes software design, programming, project management, capacity
4 planning, performance tuning, problem diagnosis, and administration of hardware,
5 operating systems, application software, and database management systems. I have
6 over forty (40) years of personal experience as a software developer and consultant,
7 including the development of web-based systems, and secure online data access
8 systems.

9 3. I have direct experience with storage management and backup and
10 recovery software, and have been responsible for the configuration, scheduling,
11 monitoring and maintenance of such software in the context of its use on a variety of
12 platforms, including IBM mainframes, UNIX and AIX systems, Windows-based
13 networks, and stand-alone computer systems. I have been trained in forensic
14 analysis of computer software in the specific context of infringement analysis, and I
15 have previously qualified as an expert in State and Federal Courts to testify about the
16 operation of computer software and computer systems in the context of software
17 copyright and patent disputes.

18 4. I have been retained by Defendant/Counterclaimant, Storix, Inc. (herein,
19 “Storix”) to perform an independent analysis of source code, technical materials, and
20 litigation related depositions and documents in reference to the above case.

21 5. I make this declaration in support of Storix’s Opposition to Plaintiff,
22 Anthony Johnson’s (herein, “Johnson”) Motion for Summary Judgment.

23 6. Attached to this declaration as **Exhibit 91** is a true and correct copy of
24 my Opening Expert Report in the above-captioned matter, dated July 29, 2015.

25 7. Attached to this declaration as **Exhibit 92** is a true and correct copy of
26 my Rebuttal Expert Report in the above-captioned matter, dated August 31, 2015.

1 8. During my engagement in this matter, I reviewed a copy of the version
2 of Storix Backup Administrator for AIX (“SBAdmin”) deposited with the U.S.
3 Copyright office in the course of obtaining Registration No. TXu 988-741 (the
4 “Deposit Copy”). The Deposit Copy was a CD and contained computer program files
5 in various formats. Specifically, the SBAdmin Version 1.3 CD used for Copyright
6 registration TXu 988-741 contains the following files:

CDROM
INSTALL.LIST
LICENSE.TXT
README.CHANGES
README.INSTALL
STADMIN.LIST
STANDALONE.LIST
STCKLICENSE
STCLIENT.LIST
STDEFAULTS
STDODCS.BIN
STDODCS.LIST
STDODCS_SA.BIN
STDODCS_SA.LIST
STEXTRACT
STINSTALL
STLICENSE
STORIX
STUPDATE
SYSBACK.LIST
XDEFAULTS

9. These files are part of SBAdmin Version 1.3 distribution files and include compiled object code and binary files (STDOCS.BIN, STDOCS_SA.BIN, STEXTRACT, STORIX), shell scripts for install or updates (STUPDATE, STINSTALL), license files (LICENSE.TXT, STLICENSE, STCKLICENSE), various lists of files (*.LIST files), configuration files (STDEFAULTS,

1 XDEFAULTS), and readme files (README.CHANGES, README.INSTALL).
2 These files do not include the source code used to create the SBAdmin Version 1.3
3 software.

4 I declare under penalty of perjury according to the laws of the United States
5 that the foregoing is true and correct. Executed this 16th day of October, 2015, at
6 Portland, Oregon.

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9 Barbara Ann Frederiksen-Cross
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